

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

ALPHEUS WARREN,)
)
Plaintiff,)
)
vs.) Case No. 4:05CV1389MLM
)
MICHAEL SEAGO,)
)
Defendant.)

ORDER

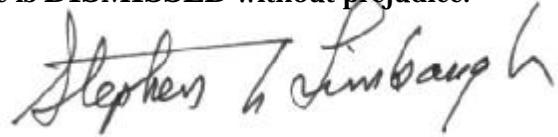
On August 30, 2005 plaintiff filed a Complaint in this court naming as defendant Michael Seago. On September 20, 2005 plaintiff's Motion for Leave to Proceed In Forma Pauperis was held in abeyance until plaintiff filed a certified copy of his Inmate Trust Fund Account Statement for the sixth month period immediately preceding the filing of his Complaint. On September 28, 2005 a certified copy of the prisoner's Trust Fund Account Statement was received. On January 11, 2006 plaintiff's Motion to Proceed In Forma Pauperis was granted. It was further ordered that plaintiff should pay an initial partial filing fee of \$.60 within thirty (30) days from the date of the Order; it was further ordered that if plaintiff failed to pay the initial partial filing fee within thirty (30) days without good cause shown, the court would dismiss the action without prejudice. Also on January 11, 2006 the court ordered partial dismissal of plaintiff's claim that defendant Seago planted evidence on him and fabricated the state criminal charges against him. The Clerk was ordered to issue process or cause process to issue as to defendant Seago with respect to plaintiff's excessive force and illegal search claims. These Orders were mailed to plaintiff on January 11, 2006, at the address which he provided this court. On January 23, 2006 the Orders mailed to plaintiff were returned as undeliverable. Local Rule 2.06(B) states:

Every *pro se* shall promptly notify the Clerk and all other parties to the proceedings of any change in his or her address. If any mail to a *pro se* plaintiff or petitioner is returned to the court without a forwarding address and the *pro se* or petitioner does not notify the court of the change of address within thirty (30) days, the court may, without further notice, dismiss the action without prejudice.

Plaintiff has failed to comply with the Local Rules of this court. In addition, he has failed to pay his initial partial filing fee and therefore, for both of these reasons, the court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice.



STEPHEN N. LIMBAUGH
SENIOR UNITED STATES DISTRICT JUDGE

Dated this 3rd day of March, 2006.